

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 5, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application.

Applicants respectfully request the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, the Specification is objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter under 37 CFR 1.75(d)(1) and MPEP §608.01(o). The Examiner asserts that claims 13-20 do not clearly define "machine readable medium," which might allow that the program could be a signal. In response, claims 13-20 are amended hereby to overcome the stated objection to the specification. The Specification (and claims 13-20) now complies with 37 CFR 1.75(d)(1) and MPEP §608.01(o), and Applicants respectfully request withdrawal of the objection.

In the Office Action, claims 1, 2, 4, 5, 13, 14, 15 and 16 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by

U.S. Patent No. 6,490,408 to Um ("Um"). Claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Um in view of U.S. Patent No. 6,792,295 to Hanevich ("Hanevich"). Claims 6-12 and 17-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Um in view of U.S. Patent Publication No. 2003/0224759 to Burnett ("Burnett"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-20 are allowable over Um alone and in view any combination of Hanevich and Burnett for at least the following reasons.

Um is directed to a video title rental system with a reproducing apparatus requiring remote playback permission to playback data from an information-stored medium (see, Col. 2, lines 20-22). The system includes the "information-stored medium on which data are contained together with an ID code; a player which reproduces the data on the information-stored medium; and an external device which communicates with a remote central server for playback permission and processes the data that are read out from the information-stored medium after playback permission." (See, Col. 2, lines 29-35.) In operation, the player determines if the information-stored medium is of a type that requires external permission for playback of the data on the information-stored

medium (see, Col. 3, lines 60-64). Once the player determines that the information-stored medium requires external permission, the player notifies the external device and the external device sends a signal back to the player to read out an ID contained on the information-stored medium (see, Col. 4, line 63 through Col. 4, line 2). The ID is transmitted to the external device which requests permission for playback by forwarding the ID to an external server (see, Col. 5, lines 36-42 and Col. 12, line 8-11). When an acknowledgement signal is received back to the player from the remote server through the external device, the playback device plays back the data on the information-stored medium (see, Col. 5, lines 46-51 and Col. 12-15).

In other words, the remote server simply provides an acknowledgement to enable playback of data stored on the information-stored medium.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Um. For example, Um does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "the application configured to play back content from the medium based upon control commands including advertising that is received from a

service via the remote network" as recited in claim 1, and as similarly recited in claim 13. In fact in Um, commercials are stored in the external device (see, Col. 6, lines 36-53). The player includes multiplexers 28a, 28b (see, FIG. 5) which in one position only enable the commercials stored in the external device to be played out of the player and not the data from the information-stored medium (see, Col. 8, lines 32-37) or only enable the data stored on the information-stored medium to be played out and not the commercials. The commercials of Um are not any part of the playback control commands as substantially recited in each of claims 1 and 13.

Each of Hanevich and Burnett are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Um.

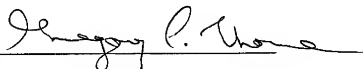
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 13 are patentable over Um alone and in view any combination of Hanevich and Burnett and notice to this effect is earnestly solicited. Claims 2-12 and 14-20 respectively depend from one of claims 1 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate

consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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